

January 14, 2009

**Update for the Informed Consent Information for HIV-related Testing
Rulemaking**

Arizona Administrative Code (A.A.C.), Title 9, Chapter 6, Article 10

A.R.S. § 36-663, as amended by Laws 2008, Chapter 13, removes requirements for specific written or oral consent before a person orders an HIV-related test for an individual, and, instead, specifies that before a health care provider orders an HIV-related test for an individual, the health care provider is required to “ensure that oral or written informed consent information is provided” to the individual. The statute also defines “informed consent information.” The Department is proposing to adopt rules that will implement A.R.S. § 36-663, as amended by Laws 2008, Chapter 13.

The Department has adopted rules to implement A.R.S. § 36-663 in 9 A.A.C. 6, Article 10, which currently specifies when oral informed consent may be obtained, when written informed consent is required, and, if written informed consent is required, what form is required to be used. In this rulemaking, the Department is revising 9 A.A.C. 6, Article 10, and is:

- Removing requirements related to oral or written consent and the incorporated consent form; and
- Adding requirements consistent with A.R.S. § 36-663, as amended by Laws 2008, Chapter 13.

The Department has submitted a Notice of Proposed Rulemaking for the revision of 9 A.A.C. 6, Article 10, and expects the Notice of Proposed Rulemaking to be published in the *Arizona Administrative Register* on February 6, 2009.

Stakeholders can communicate their issues and concerns to Ruthann Smejkal, Rules Analyst for the Department, by e-mail at smejkar@azdhs.gov, by phone at 602-364-1230, or by fax at 602-364-1150.